IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10942 of 2004

Between:

P. NAGESHWARA PANDIT, S/o. Sri Narasimha,aged 40 years,
R/o. Durgamma Colony, Patapatnam Village & Mandal
SRIKAKULAM DISTRICT.

..... PETITIONER

AND

1 A.P.S.R.T.C ., Rep. by its Vice Chairman and Managing Director,
Musheerabad, Hyderabad.
2 The Regional Manager, A.P.S.R.T.C ., Srikakulam Region,
Srikakulam District.
3 The Depot Manager, A.P.S.R.T.C ., Tekkali Depot,Tekkali
Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate Writ Petition declaring the action of the respondents in not considering the claim of the petitioner for reemployment as a driver in terms of circular PD-43/2000 dated 11-8-2000 as illegal and arbitrary and consequently direct the respondents to re-engage the petitioner as Driver.

Counsel for the Petitioner:MR.G.VIDYASAGAR

For the Respondents : Mr. Y.V.Swamy, S.C. for A.P.S.R.T.C.

The Court made the following :

O R D E R :

The petitioner worked as driver in the respondents'-Corporation with effect from 18-04-1996. He was regularized through the order dated 06-01-1998. While he was working in that capacity, he was issued with show cause notice of termination dated 28-08-1998 mentioning that the driving licence produced by him was referred to Licensing Authority, R.T.A.- Kakinada and the said authority intimated through the proceedings dated 21-10-1998 that the driving licence produced by the petitioner was not issued in that office and it is not a genuine driving licence. On that basis, his services are not being utilized as driver. The respondents'-Corporation by virtue of an order issued by the Managing Director dated
11-08-2000 addressed a letter to the petitioner to obtain a fresh heavy transport vehicle licence and intimate the same to the second respondent's-Corporation duly enclosing Xerox copy of the fresh heavy transport vehicle licence for consideration of his application for recruitment as heavy motor vehicle driver in future recruitment. The petitioner submits that much prior to the said letter, he submitted a representation with the copy of heavy motor vehicle licence on 26-02-2000 and the second respondent did not take any steps. He made another representation on 28-01-2002 but no orders were passed on the said representation also. The petitioner further contends that as per the circular dated 11-08-2000 he is eligible to be considered for re-employment. He therefore approached this Court seeking a direction to the respondents'-Corporation to consider his case in the light of the circular dated 11-08-2000 and take him into service by way of re-employment.

2. Since the petitioner is asserting that he is having heavy motor vehicle driving licence, and as he made a representation on 28-01-2002 subsequent to the issuing of the said circular, the respondents 2 and 3 are directed to consider the representation of the petitioner for re-employment and pass appropriate orders

within eight weeks from the date of receipt of copy of this order according to rules and the circular

dated 11-08-2000 and communicate the same to the petitioner.

3. The Writ Petition is accordingly disposed of. No order as to costs.

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03-08-2004

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1 The Vice Chairman and Managing Director, A.P.S.R.T.C ., Musheerabad, Hyderabad.
2 The Regional Manager, A.P.S.R.T.C ., Srikakulam Region, Srikakulam District.
3 The Depot Manager, A.P.S.R.T.C ., Tekkali Depot, Srikakulam District.

4. 2 CD Copies.

Ccm/Rns